

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
PUBLIC HEARING  
OCTOBER 21, 2002  
5:30 P.M.**

**(Proposed Text Amendment Z-02-09)**

**Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted a Public Hearing on the above date at 5:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

PRESENT:                Commissioner Donald E. Warren, Chairman  
                              Commissioner May W. Moore, Vice Chairman  
                              Commissioner David R. Sandifer  
                              Commissioner Tom B. Rabon, Sr.  
                              Commissioner William M. Sue

STAFF:                    Marty K. Lawing, County Manager  
                              Steve Stone, Assistant County Manager  
                              Huey Marshall, County Attorney  
                              Mark Seagle, Assistant County Attorney  
                              Debby Gore, Clerk to the Board  
                              Margie Stephenson, Deputy Clerk  
                              Lithia E. Brooks, Director of Fiscal Operations

**I. CALL TO ORDER**

Chairman Warren called the Public Hearing to order at 5:30 p.m., and announced that the purpose of the Public Hearing was to receive public comments concerning the proposed Text Amendment Z-02-09

**II. PUBLIC COMMENTS**

Chairman Warren asked if any members of the audience wished to address the Board of the proposed amendment. The following citizens addressed the Board:

1. Jack Redmond supports of the TOZ.
2. John Quackenbush supports the current requirements of the TOZ.
3. Bill Batuyios supports TOZ revisions made by the Planning Board.
4. Cheryl Bennett originally opposed the TOZ but now supports revisions by the Planning Board.
5. Lewis McLamb spoke in opposition of the TOZ and the dance club on Highway 17.
6. Stafford Stanley opposes the TOZ.
7. Willie Wortham is disgusted with the way things are run in the County.
8. Tony Lewis voiced concerns that property will be taken from citizens.
9. Joe Parker thinks the TOZ is unconstitutional.
10. Lee Weddig and members of the Alliance of Brunswick Property Owners Association support the TOZ and asked the Board to make careful considerations regarding further changes.

11. Patrick Newton supports the revisions made by the Planning Board but opposes any other restrictions.
12. Louie Lewis supports the revisions made by the Planning Board.
13. James Huffman Jr. doesn't want his land taken away from him and thinks the TOZ should apply to everyone.
14. Cecelia Herman supports growth in Brunswick County but thinks it is important how it is accomplished.
15. Gene Formyduval agrees with the Planning Board revisions and thinks the TOZ should apply to every road in Brunswick County.
16. Allan McDowell opposes the TOZ.
17. Jim Lewis asked the Board to reconsider the TOZ.
18. Thomas Lewis wants the Board to think about the impact the TOZ will have on citizens and growth.
19. Roberta Doshier agrees that we need change but wants the Board to reconsider adopting the TOZ.
20. Louie Lewis wants the Board to reconsider adopting the TOZ.

**6:32 p.m.** The Chairman called a five-minute recess to allow citizens who were waiting outside the Commissioners' Chambers to come inside for Public Comments.

**6:38 p.m.** The Chairman called the Public Hearing back to order.

21. Linda Fluegel supports further considerations by the Planning Board before adoption.
22. John Kinlaw stated that 3500 properties are affected by the TOZ and most citizens are not aware of the impact the TOZ will have on their property. Mr. Kinlaw further stated that some who support the TOZ do not own property that will be affected.
23. Van Johnson agrees with the revisions by the Planning Board stating that taking 40% of his property will bankrupt him.
24. Cameron Smith supports the revisions by the Planning Board.
25. Henry Fullwood opposes the TOZ and requested the Board receive input from citizens who own property that will be impacted by the TOZ.
26. James Hardy supports the changes made by the Planning Board.

### **III. ADJOURNMENT**

Commissioner Sue moved to adjourn the Public Hearing at 6:51 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
OCTOBER 21, 2002  
6:30 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

**PRESENT:** Commissioner Donald E. Warren, Chairman  
Commissioner May Moore, Vice-Chairman  
Commissioner David Sandifer  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

**STAFF:** Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Mark Seagle, Assistant County Attorney  
Debby Gore, Clerk to the Board  
Lithia E. Brooks, Fiscal Operations Director

**ABSENT:** Margie Stephenson, Deputy Clerk

**I. CALL TO ORDER**

Chairman Warren called the meeting to order at 6:30 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Warren asked if there were any adjustments to the agenda. The following adjustments were made:

1. The County Manager requested to add as Item VII-6 under Administrative Report, approval of Brunswick County being a Joint Signatory on the Wastewater System Construction Contracts for the Town of Navassa and the Town of Leland.
2. Vice-Chairman Moore requested to add appointments to the Brunswick Hospital Board and Tourism Development Authority as items #3 & #4 under Board Appointments.
2. Commissioner Rabon requested to add an appointment to the Rescue Squad Capital Expenditure Committee as item #5 under Board Appointments.

Commissioner Sandifer moved to approve the agenda with the adjustments included. The vote of approval was unanimous.

#### **IV. PUBLIC COMMENTS**

Chairman Warren asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda.

There were no comments from the audience.

#### **V. APPROVAL OF CONSENT AGENDA**

Commissioner Sandifer moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

**A. Minutes**

- 1) Public Hearing Minutes, October 7, 2002 (5:45 p.m.)
- 2) Public Hearing Minutes, October 7, 2002 (6:00p.m.)
- 3) Regular Meeting Minutes, October 7, 2002
- 4) Stormwater Workshop Minutes, July 8, 2002

**B. Tax Matters**

- 1) Request approval of June 2002 Motor Vehicle Val & Levy (**Exhibit Book 32, Attachment #1**)
- 2) Request approval of Fire Fee Releases for October 2002 (**Exhibit Book 32, Attachment #2**)
- 3) Request approval of Tax Releases for October 2002 (**Exhibit Book 32, Attachment #3**)

**C. Finance – FY 2001-2002 (Exhibit Book 32, Attachment #4)**

We are in receipt of the following FY 2002-2003 budget amendment requests:

- 1) Cape Fear Sentencing Services

\$56,153 Increase

State Revenue and Bladen County Contribution

This amendment represents notification of State funding for the Cape Fear Sentencing Services. As you may recall, we were unsure of the State's funding of this program during the budget deliberations, and you only budgeted two months funding, with a recent amendment for another month of County funding. This amendment will bring this service in line with State funding. Additional County funds are not involved.

- 2) Criminal Justice Partnership Program

\$77,448 Increase

State Revenue

This amendment is almost identical to the Cape Fear Sentencing Services amendment above. This funding will bring this department in line with State funding. Additional County funds are not involved.

- 3) Volunteer Rescue Squad Capital Funding

\$75,000 Increase

County Capital Reserve Fund

This amendment represents the recommendation of the Volunteer Rescue Squad Capital Funding Committee. The amendment includes the following:

Calabash VRS	\$25,000	toward the purchase of a new ambulance
Town Creek VRS	25,000	toward the purchase of a used ambulance
Southport VRS	25,000	toward the purchase of a new ambulance

4) Juvenile Justice

\$165,771 Increase State Grant Funds

The amendment represents notification from the State of the following programs that are funded with Juvenile Justice Grant funds:

Southeastern Center	\$ 50,000
Providence Home Teen Shelter	35,000
Master Gardner Restitution	11,000
Family & Youth Inc.	36,000
Communities in School Teen Court	23,000
JCPC Administration	10,771
Total	\$165,771

5) Health - Child Health Promotion

\$5,000 Increase GlaxoSmithKline Child Health Recognition Award Contribution

This amendment represents revenues received to be used toward special projects, staff development and education relating to child health. County funds are not involved.

6) Public Utilities

\$507,796 Utilities Billing & Collection  
282,095 Utilities Administration

This request is for a budget amendment transfer that will separate the Billing & Collection from the Administration in the Public Utilities department. As you will recall, the Utilities Billing & Collection division was moved under the Finance department effective September 1, 2002. This amendment transfer will assist both the Finance department as well as the Public Utilities department in the financial management of the separation of these divisions. No additional appropriation is being requested.

We request the Board's concurrence to amend the FY 2002-2003 Budget Ordinance accordingly.

**D. Road Petition (Exhibit Book 32, Attachment #5, 6 & 7)**

- 1) Request approval of SR-2 Resolution for Doe Run Drive and Fawnbrook Lane
- 2) Request approval of SR-2 Resolution for Claremont Drive
- 3) Request approval of SR-2 Resolution for Carolyn Avenue

## VI. PRESENTATIONS

1) **Town Creek Vision Corporation (Exhibit Book 32, Attachment #8)**

Mr. Willie Sloan explained the need for funding of the Center in Town Creek and informed the Board of programs staffed by volunteers. Mr. Sloan presented an audit report for FY 2000-2001 and stated that the Corporation had applied for two grants in excess of \$400,000.

Vice-Chairman Moore asked Mr. Sloan to comply with the request from all non-profit agencies to present financial information and expenditures on an annual basis.

Vice-Chairman Moore moved to appropriate \$10,000 to come from Regular Contingency for Town Creek Vision Corporation. The vote of approval was unanimous.

The Board directed the County Attorney to offer a Proclamation of Support for Town Creek Vision Corporation to aid in the grant application process.

## **VII. ADMINISTRATIVE REPORT**

### **1. Planning – Text Amendment Z-02-09– (*Leslie Bell*)**

Staff recommends that the Board of Commissioners consider approving Second Reading and adoption of Text Amendment Z-02-09.

**Item 1** Leslie Bell, Planning Director, explained that the Transportation Overlay Zone ensures that lands adjacent to major transportation corridors be developed in a manner that encourages appropriate land usage, maintains scenic natural beauty and promotes health and general welfare of the public. Moreover, Transportation Overlay Zoning serves to facilitate the provision of transportation by promoting the safe and efficient movement of traffic by encouraging development which reduces or eliminates commercial strip development, excessive driveway cuts, visual clutter and poor site layout.

Mr. Bell explained the revisions recommended to the original Transportation Overlay Zone (adopted in October 2000) by the Planning Board.

Vice-Chairman Moore moved to approve Second Reading and adoption of Text Amendment Z-02-09 with revisions as presented by the Planning Board. The vote was three ayes (Moore, Rabon, Warren) and two noes (Sue and Sandifer).

**Item 2** Mr. Bell explained that Item 2 is a text amendment to Article 6, Supplementary Regulations, Section 6.3, Buffering and Landscaping for Berms and for Yards in which Buffers are Required. The Planning Board voted to allow certain Common Tree and Shrub Species to clearly identify planting species in the Transportation Overlay Zone as defined in this Section of the Brunswick County Zoning Ordinance.

Vice-Chairman Moore moved to approve Item 2 with revisions as presented. The vote of approval was unanimous. (**Exhibit Book 32, Attachment #9**)

### **2. Planning – Shoreline Access Plan Update – (*Leslie Bell*)**

Staff recommends that the Board of Commissioners consider approving the Citizen Participation Plan for the Brunswick County Shoreline Access Plan/Update.

Commissioner Sandifer moved to approve the Citizen Participation Plan for the Brunswick County Shoreline Access Plan/Update. The vote of approval was unanimous.

**(Exhibit Book 32, Attachment #10)**

**3. Emergency Management – Fire Protection and Prevention Ordinance – (Scott Garner))**

Staff recommends that the Board of Commissioners consider approving changes to the Brunswick County Fire Protection and Prevention Ordinance.

Scott Garner, Fire Marshall, explained the revisions to the Fire Protection and Prevention Ordinance. There was discussion regarding costs for fire hydrants and inspections fees.

Commissioner Sandifer moved to approve the changes to the Brunswick County Fire Protection and Prevention Ordinance. The vote of approval was unanimous.

**(Exhibit Book 32, Attachment #11)**

**4. West Regional Wastewater – Land Acquisition – (Lithia Brooks)**

Staff recommends that the Board of Commissioners consider approving the purchase of two tracts of land for the purpose of constructing the West Waste Water Treatment Facility on Highway NC 211 near Supply and a land application site on Galloway Road near Bolivia and the appropriate budget amendment.

Lithia Brooks, Fiscal Operations Director, explained that Staff recommends an outright purchase of the land.

Commissioner Sandifer moved to approve the purchase of land for the purpose of constructing the West Waste Water Treatment Facility on Highway NC 211 and a land application site on Galloway Road near Bolivia and the appropriate budget amendment. The vote of approval was unanimous. **(Exhibit Book 32, Attachment #12)**

**5. Telephone System/Future Telecommunications Needs Study – (Lithia Brooks)**

Staff recommends that the Board of Commissioners consider approving the proposal of Telecom Management Group for an in depth review of the County's existing telephone system along with future telecommunication needs for the Government Center.

The Fiscal Operations Director explained that in an effort to improve Customer Service, an in depth review of the existing telephone system was necessary. The proposal with Telecom Management Group will not exceed \$3,040.

Vice-Chairman Moore moved to approve the proposal of Telecom Management Group. The vote of approval was unanimous. **(Exhibit Book 32, Attachment #13)**

**6. Navassa and Leland Wastewater System Construction Contracts (Marty Lawing)  
(added under Adjustments to the Agenda)**

The County Manager explained that an EPA Hardship Grant has been awarded to Brunswick County in the amount of \$1,424,440 to be used for eligible construction costs for the Navassa and Leland sewer collection systems. This grant will reimburse the Town of Leland (\$923,960) and the Town of Navassa (\$500,480) in construction costs.

Skip Green, Northeast Regional Wastewater Project Grant Administrator, has requested authorization from the Board for the Chairman to sign the construction contracts. Mr. Lawing explained that the County would assume no obligations or liabilities by signing the documents. The sole purpose is to allow the EPA grant funds to be used on the Town projects.

The Fiscal Operations Director informed the Board that the appropriate Budget Amendment would be presented at the next Regular Meeting.

Commissioner Sue moved to approve Brunswick County being a Joint Signatory on Wastewater System Construction Contracts for the Town of Navassa and the Town of Leland. The vote of approval was unanimous. **(Exhibit Book 32, Attachment #14)**

### **VIII. BOARD APPOINTMENTS**

#### **1) Zoning Board of Adjustment (2 Alternate Positions)**

Vice-Chairman Moore nominated Robert Helfter. Commissioner Sue nominated William Best. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointments of Robert Helfter and William Best. The vote of approval was unanimous.

Mr. Helfter and Mr. Best were re-appointed to serve another three-year term that will expire November 1, 2005.

#### **2) Marine Fisheries Advisory Board (1 appointment, District 3)**

Vice-Chairman Moore nominated Leroy Potter. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointment of Leroy Potter. The vote of approval was unanimous.

Mr. Potter was re-appointed to another two-year term that will expire October 1, 2005.

#### **3) Tourism Development Authority (added under Adjustments to the Agenda)**

Vice-Chairman Moore nominated Buddy Rudd and John Lawrence (Southport-Oak Island Chamber of Commerce recommendations). Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointments of Buddy Rudd and John Lawrence. The vote of approval was unanimous.

Buddy Rudd was re-appointed and will serve another three-year term that will expire October 1, 2005.

John Lawrence will serve the unexpired term of Chuck Sandine (resigned) that will expire October 1, 2003.



4) **Rescue Squad Capital Expenditure Committee (added under Adjustments to the Agenda)**

Commissioner Rabon nominated John D. Bellamy. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointment of John D. Bellamy. The vote of approval was unanimous.

Mr. Bellamy will serve the unexpired term of Lucy Evans (resigned).

**IX. OTHER BUSINESS/INFORMAL DISCUSSION**

There was no other business to discuss.

**X. ADJOURNMENT**

Commissioner Sandifer moved to adjourn the Regular Meeting at 7:34 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board